

YEAS—Messrs. Bigelow, Davis, Day, Duggan, Eddy, Gray, Merriman, Meusebach, Reaves, Scott, Sterne and Wilson—12.

NAYS—Messrs. Bogart, Burks, Dancy, Grimes, Hart, Hill, Parker, Taylor and Truit—9.

On motion of Mr. Merriman, the Senate adjourned until 10 o'clock to-morrow morning.

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TUESDAY, January 6, 1852.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Parker made the following report :

SENATE CHAMBER, January 6, 1852.

To the Hon. J. W. HENDERSON,

*President of the Senate :*

The committee on Claims and Accounts, to which was referred the petition of Jacob Snively, asking relief for surveying Toby scrip, in 1849, would respectfully report that they find the account presented correct, and that there is justly due said Snively the sum of fifty-four dollars.

The committee find that there was an appropriation made to pay for surveying land scrip for the year 1849, but that the same is exhausted.

It is usual for the Legislature to make appropriations at each regular session to cover the estimated amount of such claims for the two following years. In this case (1849,) the estimates, it appears, fell short of the requisite amount. The committee would therefore recommend that an appropriation be made in the general appropriation bill (when it shall come before the Honorable Senate,) to cover this balance, as well as any other amount that may then be found due for like purposes.

All of which is respectfully submitted.

ISAAC PARKER, Chairman.

Mr. Davis, from the committee on Internal Improvements, to which was referred a bill for the improvement of the navigable streams of the State of Texas; and a bill for removing obstructions, and improving the navigation of the rivers of this State, reported a substitute for the same, and recommended its adoption and passage.

Mr. Taylor made the following report :

The committee on Private Land Claims have examined a bill for the relief of the heirs of George W. Crowls, deceased, and find no evidence accompanying the bill; but are disposed to award merit to the bill, from the fact that it has passed the scrutiny of the committee of the other House. They, therefore, report it back for the consideration of the Senate.

Mr. Truit, chairman of the committee on Roads, Bridges and Ferries, to which was referred a bill to authorize the county court of Limestone county to rent or lease the Springfield Bridge, reported the same back, and recommended its passage.

Mr. Truit, from the same committee, reported back a bill to incorporate the Lake Creek, Bridge and Turnpike company, and recommended its passage, with the following amendment:

Amend by inserting in section third, line sixth, after "county," the following words: "Provided, they shall obstruct no public road."

Mr. Bogart, chairman of the committee on Counties and County Boundaries, to which was referred the petition of sundry citizens of Jefferson county, reported a bill to create the county of Delta, which was read first time.

Mr. Bigelow introduced a bill to define the time of holding the courts in the twelfth judicial district; read first time.

Mr. Merriman introduced a bill to facilitate the operations of persons engaged in the United States coast survey in the State of Texas, under proper restrictions; read first time.

Mr. Duggan introduced a bill to incorporate the Aransas and Goliad Road company; read first time.

Mr. Hill made the following report:

The joint committee to whom were referred that part of the Governor's annual message and his special message, transmitting the report of the Attorney-General and accompanying documents which relate to the difficulties in Peters' colony; and also the memorial of the trustees of the Texas Emigration and land company, who represent the interest acquired by the several contracts made with W. S. Peters and others, have given the subject the fullest consideration, and the undersigned have been instructed to submit to both branches of the Legislature, the following report:

The first law upon the subject was approved 4th February, 1841, (Hartly's Digest, Article 2005) the second on the 16th January, 1843, (ib. art. 2103.) The contracts bear date respectively the 30th August, 1841, November 9th, 1841, the 26th July, 1842, and 20th January, 1843.

The subsequent laws on the subject were passed at the third

session of the Legislature of the State of Texas, Vol. 3d, chapter 51, part 1, page 51; part 2d, chapter 38, page 38; part 3d, chapter 16, page 16, Hartly's Digest, article 2229, et seq. for the first law.

Your committee do not feel called upon to express an opinion as to the legal construction of these several acts and contracts, or of the legal and equitable rights of the contractors, the colonists, or the State, growing out of them. They refer to the report of the Attorney-General for the history of the litigation which is already involved, and which they are advised must necessarily be protracted many years unless some amicable adjustment of the difficulties can be made.

The facts and proofs ascertained from the office of the Secretary of State, and from the trustees and agent of the contractors, and from the special commissioner appointed under the act of 1850, Col. Tho's. Wm. Ward, are as follows :

First. The several contracts hereinbefore referred to, a copy of which accompanies this report, marked ( A ).

Secondly. In proof that the contractors had fully complied with every condition of their contracts, they submitted to the strictest examination of your committee, the various books, certificates, papers, maps, plats, field notes of surveys, and other evidences. These are most systematically arranged and extending through the several years of their colonial labors. The great mass of their evidence cannot be detailed in a report. The principle facts are as follows :

First. As to the number introduced during the colonial years 1844 and 1845. These proofs are :

First. Exhibits, properly authenticated by the oaths of the agent or agents of the contractors, to the effect, that previous to the 1st day of July, 1844, there were introduced and settled within the limits of said colony, 197 families, 184 single men, 482 children and 29 slaves, and that 305 cabins were built; also that the emigrants had 286 rifles, 35 muskets and shot guns, 254½ pounds of powder and 566 pounds of lead; that between the 1st day July, 1844, and the 1st day of July, 1845, there were introduced and settled within said colony, 221 families, 221 single men and 609 children, and that 367 cabins were erected.

These exhibits are accompanied by a certificate, to which are attached the original signatures of 400 emigrants, certifying that they, each individually emigrated to the Republic of Texas, and settled within said colony, between the first days of July, 1844, and 1845; that they emigrated to said Republic and were introduced into said colony under the auspices and inducements

of the grantees of said colony, or their assigns; that they had each built a comfortable log cabin, had a good rifle, yauger or musket, and that they were *bona fide* settlers, and desired by a strict compliance on their part with the law in that behalf, made and provided, to secure all and singular the benefits accruing from the same, which certificate is attested by the oaths of two witnesses.

These various proofs were all filed in the State Department and certificates of the principle facts therein contained were furnished by the Secretary of State to the agents of the contractors, and were by them exhibited to your committee.

These evidences of the fulfilment of the contracts for the years 1844 and 1845, are further supported by corroborating testimony.

First. By a certificate containing the original signatures of 142 emigrants, to the same purport as the certificates of the 400 colonists before referred to.

Secondly. By seven certificates under the oaths of citizens of Texas, and containing together the names of 400 persons, including all, or nearly all of the families and single men settled and returned as aforesaid, for the year 1844; and declaring under the oaths of the subscribing witnesses, that the persons whose names appear thereon had, under the auspices and inducements of the grantees of said colony, emigrated to the Republic of Texas, and were settled within the limits of said colony prior to the first day of July, A. D. 1844.

Thirdly. By other certificates made and authenticated in the manner and form required by the Government of Texas, which is particularly described in detail in the fourth contract, namely, viz: by certificates made under oaths, and certified by some person qualified by the laws of Texas to administer an oath. See copy of the contracts marked (A I) p. 13, line 7, et seq.

These certificates are made by persons, citizens of the State of Texas, residing in said colony, and known to the officer certifying thereto, who, under oath declare, that they were enabled and qualified to make the same by actual observation, and having personally witnessed, seen and known the facts and matters and things therein set forth. By these certificates the families and single men whose names are returned to the Secretary of State as aforesaid, are again proven to have been introduced and settled in said colony, as in said returns set forth.

Fourthly. By various books or schedules containing the names of the colonists, the description of the land they settled upon, or claimed by virtue of their emigration to, and settlement

within said colony ; the number of their cabins, children, slaves, guns and ammunition, time of their settlement in the colony, and the name of the State or county from which they emigrated, are sworn to in the most positive manner, by persons who declare that they had witnessed, seen and known the facts stated by them, and had personally visited the residences of the colonists named in said schedules, which oaths are certified to by the proper authorities of Texas, stating that the affiants were well known to them.

Second. As to the number introduced since the first of July, 1844, other than those returned to the Secretary of State.

The proofs for the years 1846, 1847 and 1848, are in about seventy certificates and schedules of the same tenor and purport as those last mentioned and described, all sworn to and subscribed by two witnesses and officially certified by proper officers. These certificates and schedules show that for the year 1845, there were proven in addition to the number of emigrants returned to the Secretary of State, for that colonial year, 120 families and 48 single men, 122 children and 61 slaves; the erection of 117 cabins, and that the colonists had 361 guns and 37,250 rounds of ammunition.

That for the colonial year ending July, 1846, there were settled in the colony, 415 families, 263 single men, 1,099 children and 66 slaves ; that 564 cabins were built, and the settlers had 593 guns and 62,355 rounds of ammunition.

That during the year ending 1st July, 1847, there were introduced 228 families, 191 single men, 527 children and 34 slaves; and erected 267 cabins, and that the emigrants had 299 guns and 28,150 rounds of ammunition.

That during the year ending 1st July, 1848, at which time the contract expired, there were settled and introduced 230 families, 215 single men, 455 children and 16 slaves; and erected 447 cabins; and the emigrants had 382 guns and 35,480 rounds of ammunition. Thus making the whole number of emigrants introduced and settled between the dates of the first contract, and the first day of July, 1848, equal to 1,936 families.

The Commissioner, Thomas Wm. Ward, appointed under the act of January, 1850, has proven that a number of families and single men equal to about 1,500, settled in the country as colonists, and were residing within the colony at the date of the passage of this act. These, of course, were exclusive of all who had been introduced into the colony and left it; and of all who had died and had no legal representatives residing in the coun-

try; and of a number who, as stated by Col. Ward, from various motives refused to make their proofs before him.

By comparing the books of the special commissioner, with the books of the contractors, their appears to have been proven prior to the first day of last April, by Col. Ward, 179 families and 180 single men, equal to 269 families not found upon the books of the contractors. If these families be added to the number proven by the contractors themselves, it will appear that the contractors claim that there actually were introduced and settled within the limits of Peters' colony, between the fourth day of February, 1841, and the first day of July, 1848, no less than 2,205 families.

The annexed schedule will show that during the same time they had introduced 3,294 children and 206 slaves, and the colonists had 1,956 guns, 163,235 rounds of amunition, 254½ pounds of powder and 566 pounds of lead. By this schedule is also shown, that during the time before specified, the contractors claim to have introduced not less than eight thousand souls, a number little less than one fourteenth of the whole population of the State of Texas at the time these contracts terminated.

Multifarious and extensive as these proofs are, and embracing in their details, repetition and affidavits of many persons, frequently relating to but one colonist, it might be supposed that they were entangled together, and little better than a confused mass of facts and testimony, but this is not the case. By the arrangement which is introduced throughout this business, we are enabled to trace each and every colonist through the various kinds of proof which has been collected concerning him. In their books the names of the colonists are alphabetically arranged; the land claimed or settled upon by the colonist is shown opposite his name, also the cabins he has built, the number of his children, male and female, his slaves, guns and amunition, the time he settled in the colony and upon his section, the State he emigrated from, and the names of persons, who in various certificates have testified to his introduction and settlement. To these are added, references to the various papers, &c., containing more particularly the proofs relating to the immigrants and their colonization. Indeed so perfect is the disposition of every thing connected with this colonial evidence, that it seems the contractors have nothing to hide, but trust entirely and alone to a full and perfect expose of their affairs.

Of the surveys, maps, plats, &c., we have made but a cursory examination, yet enough to show that the efforts have been

made in sufficient time and quantity to settle the colonists as they were introduced. The surveys show to have been made upon the plan adopted by the United States in surveying her public lands, by forming ranges of townships, six miles square, and dividing them into 36 sections, 640 acres each. The field notes are made out in accordance with the same system, and all the estimates are expressed in them by both chains and varras. The maps show by their minute details evidences of great accuracy in the field and remarkable care and precision in the surveyors and assistants.

The great expenses incurred by the contractors in carrying out their enterprize, may be imagined by examining their maps of surveys, and their many books of the corresponding field notes, and were anything wanting to show their industry and prodigality of means, they might point to the vast array of testimony and proofs in their possession, and which in this report we have but feebly described.

It is but justice to say that in the examination of these certificates, books, papers, maps, &c., &c., we were promptly met by the agent of the contractors, Mr. Henry O. Hedgecoxe, and readily furnished by him with every document in his possession, and all the information we required relative to his colonial business.

If these proofs be deemed sufficient by the legislature to establish a fullfilment on the part of the contractors and their assigns with the conditions of their contracts, which it is not for your committee to decide, justice requires a performance of the obligations imposed upon the State. A liberal compliance with the contracts and laws under the present circumstances, would be attended with great difficulty and tedious litigation.

The contracts, and the laws upon which they are based, contemplate, that the contractors should receive a patent for a section of land, for every family introduced and settled within the colony, to include the colonists' improvements; out of which, they should convey to the colonists not less than half a section under the first contract, and a quarter of a section under the second, and that the contractors should receive ten sections as premiums for every hundred families introduced.

To any voluntary donation made by the State to the colonist, of a greater quantity of land than they were authorised to receive by the terms of their immigration, the contractors have no just right to complain, provided such grants do not interfere with what they claim as previously vested rights. But the act of 21st January, 1850, provides for giving these identical lands

to the colonists, and the amendatory acts only increase the amount of litigation which must grow out of these controversies. The contractors admit that the first class of immigrants to the number of 289 families have a claim on them for an entire section each family, under the terms of their immigration, but they promised no more than half a section to each family under the last contract.

As the act of 1850 expressly reserves the rights of the contractors, even should the injunction obtained by the trustees, and mentioned by the Attorney General in his report, be dissolved, it is manifest that every colonist who should obtain his patent would be subject to harrassing litigation.

Whether such patents would come within the decision of the Supreme Court in regard to Galveston Island, is a matter about which every member of the legislature can as well judge as your committee. It is enough that the subject involves tedious and expensive law suits; that it leaves every man's tenure within the limits of a large district of country unsettled, and that improvements in this country are consequently retarded. It is also certain that the colonists and the contractors are alike anxious for a compromise, and final adjustment of this matter; and every branch of the government which has spoken on the subject has expressed a similar anxiety.

The representatives of the contractors, although claiming a strict compliance on the part of the State, and insisting that they are entitled to the identical lands covenanted to be given them upon their giving proper assurances to observe their stipulations with the colonists, have, nevertheless, expressed a willingness to relinquish all claims in favor of the State and the colonists, and to receive in lieu thereof an equivalent in other lands.

The contracts stipulated for the survey by the contractors of the alternate sections, and the reservation thereof, for the use of the government. If these sections were at this time vacant, the difficulty of adjusting the matter would be lessened, as they might be taken by the contractors in lieu of those they may relinquish. But the supplementary act of 6th September, 1850, (chap. 38, p. 38,) declares, "that the certificates issued by the commissioner of Peters' colony may be located on any vacant land within the limits of said colony, not otherwise appropriated; as other headright certificates are located. And the same laws relating thereto shall govern the surveyors and other officers in the discharge of their official duties in relation to the surveying, recording and patenting the same."



Under the authority of this act, your committee are advised that many of the colonists have located, disregarding the reservation of the alternate sections, and the premium sections selected by the contractors, and disregarding the surveys of the contractors.

To wholly avoid these difficulties, and remove all impediments out of the way of the colonists, and the State; to finally obtain patents for the colonists, and secure them in the peaceable possession of the lands they claim, and upon which they have made their homes, and to save them effectually from any further collision with the contractors, is the wish and desire of your committee. To do this, it is necessary for the contractors to dismiss the suit against the commissioner of the General Land Office, and dissolve that injunction, and generally to suspend their claims until the colonists have selected their lands, besides relinquishing to the colonists a large amount due and owing to said contractors from the colonists for surveying and other fees.

This must be attended with great delay and expense to the contractors, and would leave them but the refuse lands in the colony, out of which to make their selections; and believing that the lands they will relinquish, and the debt they will release to the colonists will be of far greater value than the lands they must necessarily be forced to take in lieu thereof, it is thought advisable to grant to them a larger quantity in acres than they would receive under strict fulfilment of the contracts. The bill herewith reported provides for a compromise tending to these objects. It has been submitted to the agent of the contractors, and the 2000 sections of land proposed upon the terms prescribed in the bill have been found satisfactory to them, provided the bill, without material alteration in its details, shall obtain the sanction of the legislature. After the most mature deliberation, your committee are unable to discover how else they could obtain the objects they desire.

In the opinion of your committee, this is not entirely a question of fulfilment on the part of the contractors, desirable as it might be to ascertain how far their contracts have been fulfilled. Under all the circumstances of the case, this is in fact but a secondary consideration, for examine it as we may, the whole subject resolves itself into one point, and the gist of the enquiry is this: whether or not these colonists shall be relieved from the greivous embarrassment under which they are so unfortunately placed? and whether they shall be quieted in their land titles, and secured in the peaceable possession of their homes and property?

The fulfilment of the contracts is a question which might certainly be left to the tribunals of the country, but the expense and delay consequent upon such a course would be to these persons disastrous and ruinous in the extreme; the subject therefore urges itself upon us as a measure of wise State policy, and one in which the principles of conciliation and compromise should freely enter. The colonists are miserably situated; they cannot improve their lands, nor sell them to advantage; they are confined to a country they love, but dare not improve.—The taxes are unpaid; their county treasuries are impoverished, and the State herself is in this respect no small sufferer. In short, an extensive and important district of rich and beautiful country, settled upon by a hardy, industrious and virtuous population, must inevitably languish for many years under the baneful and withering influences of delayed litigation, unless relieved by some measure of adjustment and compromise.

Under the impression that such a plan can be adopted as will secure to these colonists all that they desire, and at the same time render to the State and the contractors equal justice,

The undersigned, in compliance with the request of your committee, have drawn up the accompanying bill, for which they ask the favorable consideration of your Honorable body.

R. P. CRUMP,

Chairman com. on the part of the House.

G. W. HILL,

Chairman Com. on part of the Senate.

A Schedule, Exhibiting the annual introduction, &c., of emigrants into Peters

Years.	Families.	Single men.	Total families.	Cabins	Child ren.	Slaves.
Returned to the } 1844,	197	184	289	305	482	29
Sec'y. of State. } 1845.	221	221	331½	367	609	
Proven since 1845	120	48	144	117	122	61
1846	415	263	546½	564	1099	66
1847	228	119	287½	267	527	34
1848	230	215	337½	457	455	16
Total by contractors,	1411	1050	1936	2077	3294	206
Proven by Col. Ward.	179	180	269			
Total of colonists, &c.,	1590	1230	2205			

General Summary—Heads of families, 1590—Wives of men of family's, 1560  
 Single men, 1230 ; Children, 3294  
 314 families are returned without their children }  
 say 1½ for each family, }

Showing the number of persons to be, not less than

A bill to quiet the land titles within the limits of Peters' colony, and to provide for locating or surveying the lands, and issuing the certificates and patents to which the colonists and contractors are entitled; read first time.

Mr. Hart introduced a bill to restore to former owners, lands sold for taxes and purchased by the State; read first time.

### ORDERS OF THE DAY.

A bill to incorporate the Sulphur Fork Bridge and Turnpike company;

A bill to charter the Bastrop Academy;

A bill to incorporate the Attoyac Turnpike company; and

A bill to incorporate the Clarksville and Red River Turnpike company, were severally read a third time and passed by a constitutional majority.

A bill to permit Fitz William Bonner to practise law; read third time and passed by the following vote:

YEAS—Messrs. Armstrong, Bogart, Burks, Davis, Day, Doane, Duggan, Eddy, Hart, Parker, Reaves, Scott, Sterne, Taylor and Truit.—15.

NAYS—Messrs. Dancy, Grimes, Hill and Wilson.—4.

A bill to locate permanently the county seat of Lavaca county; read third time and passed.

The report of the committee on Private Land Claims, on the petition of Thomas P. Crosby; read, and, on motion of Mr. Grimes, laid on the table.

Mr. Merriman, by leave, introduced a bill for the relief of Thomas P. Crosby; read first time.

The report of the committee on Claims and Accounts, on the petitions of Wesley Atkins, of William Bridges, of G. W. Knight and of Bartlett Sims, was read, and, on motion of Mr. Taylor, laid on the table.

A message was received from the House, informing the Senate that the House had passed the following bills, which originated in the Senate, to wit:

A bill for the relief of the heirs of Ignatius S. Johnson; and

A bill to locate the seat of justice of Cass county; and also, that the House concurred in the amendment of the Senate to a bill for the relief of the settlers in the territory commonly known as Mercer's colony; also that the House had passed the following bills originating in that body, to wit:

A bill for the relief of the heirs of Daniel W. Cloud and Peter J. Bailey;

A bill for the relief of Joseph Bayless, deceased ;

A bill for the relief of William McFarlin ;

A bill making an appropriation to complete the General Land Office ;

A bill authorizing the issuing duplicate warrants ; and

A bill to incorporate the town of Centreville, in Leon county.

A bill to indemnify the owners for the loss of slaves executed for capital offences ; read third time.

On motion of Mr. Sterne, a call of the Senate was made.

The bill was then passed by the following vote :

YEAS—Messrs. Bigelow, Davis, Day, Doane, Duggan, Eddy, Gray, Kinney, Merriman, Meusebach, Reaves, Scott, Sterne and Wilson.—14.

NAYS—Messrs. Bogart, Burks, Dancy, Grimes, Hart, Hill, Parker, Taylor and Truit.—9.

A bill to amend an act to define the time of holding the district courts for the fifth judicial district ; read, and ordered to be engrossed.

A bill to amend the third section of an act to define the time of holding the district courts for the fifth and sixth judicial districts, approved February 11, 1850, with the report of the select committee on Judicial Districts, offering amendments thereto, was read, amendments adopted, and, on motion of Mr. Taylor, bill laid on the table.

Mr. Eddy, by leave, introduced a bill to define the boundaries of the counties of Jasper and Newton ; read first time.

The report of the committee on Public Debt, on a bill for the relief of the persons taken prisoners by the Mexican army at the Mission of Refugio, in 1841 ; read and adopted.

On motion of Mr. Day, a joint resolution fixing the time at which the fourth session of the Legislature shall adjourn, was taken from the table and placed among the orders of the day.

A bill to prescribe the time of holding the courts in the second judicial district of the State of Texas ; read.

On motion of Mr. Dancy, the bill was amended by striking out the word "January," and inserting "February," in last section.

The bill was then passed to a third reading.

On motion, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Davis, from the committee on Internal Improvements, reported back a bill to incorporate the Texas Western Railroad company, and recommended its passage.

A bill to define the time of holding the district courts in the tenth judicial district ; read, and passed to third reading.

A bill giving two weeks' session to the district court of Montgomery county ; read, and passed to third reading.

A bill concerning writs of ceritorari to justices' courts, being a substitute of the House, together with the report of the committee on the Judiciary, offering amendments thereto, was read, amendments adopted, and bill passed to third reading.

On motion of Mr. Hill, the vote just taken was reconsidered ; and, on motion of Mr. Dancy, the substitute was rejected.

Messrs. Dancy, Bigelow and Bogart were appointed a committee of conference on said bill.

A bill for the relief of Luther T. M. Plummer, with the report of the committee on the Judiciary, offering an amendment, was read, amendment adopted, and bill passed to third reading.

Mr. Taylor moved to reconsider the vote which rejected the House's substitute for a bill concerning writs of certiorari to justices' courts.

On motion of Mr. Bogart, the motion was laid on the table.

A bill transferring an appropriation therein named, with the report of the committee on Finance, offering an amendment thereto, was read, amendment adopted, and bill passed to third reading.

A bill for the relief of the heirs of Andrew J. Harrison ; read and passed to third reading.

A bill to incorporate the town of Carthage, in Panola county ; read, and passed to third reading.

A bill supplementary to the act to establish the Galveston and Red River Railway Company, with the report of the committee on Internal Improvements, offering a substitute therefor, was read, and,

On motion of Mr. Davis, made the special order of the day for Tuesday the 13th instant.

A bill supplementary to an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved 12th May, 1846, with the report of the committee on the Judiciary offering an amendment thereto, was read, amendment adopted and bill ordered to be engrossed.

A bill to authorize the sale of the unsold and forfeited lots in the City of Austin and tract adjoining ; read and ordered to be engrossed.

A bill declaring the San Jacinto a navigable stream ; read. Mr. Davis offered the following amendment :

Insert section " The east fork of said San Jacinto is here-

by also declared to be a navigable stream from its junction with the principal stream up to the point where the direct road from Targleton's Prairie to Houston crosses the same." Adopted.

Mr. Bigelow offered the following amendment:

Amend by adding after the word 'same' the following words: "and Arroyo Colorado, five hundred yards above the head of that stream." Rejected.

The bill was then ordered to be engrossed.

A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence in procuring a mail route from Austin to Marshall; read.

On motion of Mr. Dancy, the resolution was amended by adding the following words: "also, a two-horse coach route from La Grange to Gonzales."

Mr. Reaves offered the following amendment:

Strike out all of the intermediate towns between "Austin" and "Marshall," except "Palestine."

On motion of Mr. Hill, the amendment was amended by striking out "Palestine."

The amendment was then rejected.

Mr. Taylor offered the following amendment:

"And, also, a two-horse hack line from Jefferson to Clarksville, *via* Daingerfield and Mount Pleasant." Adopted.

Mr. Bigelow offered the following amendment:

"And, also, a two-horse coach route from Brownsville, Cameron county, to Rio Grande City, in Starr county." Adopted, and joint resolution ordered to be engrossed.

Mr. Sterne offered the following resolution:

*Resolved*, That the use of the Senate Chamber is tendered to the citizens of Austin on the 8th of the present month, for the purpose of a collation to be given, in connection with a ball, in honor of Ex-Lieutenant-Governor J. A. Greer.

Mr. Dancy introduced a joint resolution requesting the President of the United States to demand of the Government of Spain the immediate release of Mr. Thrasher; read first time.

A bill to incorporate the city of San Antonio; read and passed to a third reading.

On motion of Mr. Day, the Senate adjourned until ten o'clock to-morrow morning.

WEDNESDAY, January 7, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Day, from the committee on Private Land Claims, to which was referred the petition of P. H. Pearson, reported a bill for his relief, which was read first time.

Mr. Taylor presented the petition of Coleman D. Smith; referred to the committee on the Judiciary.

Mr. Taylor presented the petition of the trustees of Chapel Hill College; referred to the committee on Education.

Mr. Taylor, also, presented the petition of Gibson Myers and others, praying the privilege of establishing a toll bridge across White Oak creek; referred to the committee on Roads, Bridges and Ferries.

Mr. Hart, from the committee on Public Lands, reported back for the consideration of the Senate, a bill for the relief of James Frazer.

Mr. Taylor, chairman of the committee on Private Land Claims, reported back a bill for the relief of William Guyman, deceased, and recommended its passage.

Mr. Davis made the following report:

'The committee on Internal Improvements, to which was referred the petition of Solomon Wolfe, asking that a charter be granted to him to make a Turnpike Road at the crossing of the Neches river, on the San Antonio road, have had the same under consideration, and have instructed me to report that Jesse Duren resides at the crossing of said river, and has a ferry boat, and that he has incurred considerable expense to enable him to cross travellers at all times over said stream, and the bottom of the same; and that the lands belong to him on one bank of the river, and he has the right of way upon the other bank; and it would be doing him great injustice to grant to the petitioner the privilege he asks. The committee have, therefore, instructed me to report the said petition back to the Senate, and recommend that no further action be taken upon the same.

Mr. Davis, chairman of the committee on State Affairs, reported back a joint resolution for the relief of the company commanded by Captain William Becknell, in the year 1837, and recommended its passage, with the following amendment:

Amend by adding to the end of the first section: "Provided, that the members of said company would have been entitled to